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Take this very <sup>4</sup>  
well - It is upon Reform  
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THE  
**C A U S E S**  
OF THE  
**PRESENT COMPLAINTS.**

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THE

# C A U S E S *K*

OF THE

## PRESENT COMPLAINTS

FAIRLY STATED AND FULLY REFUTED.

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Those who would barter permanent Security for a little temporary Liberty, deserve neither Liberty nor Security.

DR. FRANKLIN'S REVIEW OF PENNSYLVANIA.

*written by Hmon, the  
bookseller that was.*

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THE  
C A U S E S  
OF THE  
PRESENT COMPLAINTS, &c.

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IT is the misfortune of popular governments, that they contain the seeds of their own disturbance. Wherever power is not concentered, there will always be a competition for the exercise of it. From this prominent feature in the English constitution, have arisen the parties which at different periods have created disturbances of the most serious, and sometimes of the most alarming nature. And from the same source have arisen the various contentions for places; no matter whether these contentions have been immediately caused by ambition or indigence, they were so many attempts to gain the possession of power. All our parties, even those of the present day, originate in the craving of that personal gratification. But if the views of the parties had never extended beyond the possession of a few places, the consideration could not be very important: limited to that point only, the competition might, in some cases, be laudable, as far as it might excite in young men,

men, the study and knowledge of the duties of the situations they expected in future to fill.

Unfortunately this has not been the case in any of those contentions for power, which have threatened the public tranquillity. The parties, or the leaders, have very often had designs, which extended far beyond the possession of a few places. *Measures, and not men*, have been the words held out to deceive the public ; and under this delusion they have sometimes pursued designs, which have had for their object, the total subversion of all government, and the total abrogation of all distinctions amongst men.

To prove this position, it is not necessary to state the destruction of monarchy in the death of Charles the first, the annihilation of the Lords under the usurpation of Cromwell, nor the degradation of the Commons under Charles the second. The revolution happily put an end to these violations ; but the revolution did not, nor could not, do more than correct the abuses which had produced it. The great men of that day could not foresee depravities, which exceeded the enormities of their own times : the revolution did not alter—it restored the constitution. It never was in the contemplation of those persons, by whose virtue and wisdom the revolution was effected, to change the constitution in any part. If, in their judgment, the constitution had stood in any need of amendment, nobody will suppose, that men of their exalted characters, who had risked every thing that was dear, of life, family, and property, to establish the liberties of their country, would have neglected so fair an opportunity for introducing any principle or system of improvement, at the time they

they were occupied in settling the several points of renovation. It is true, they looked forward to the union of the two kingdoms of England and Scotland. The late troubles had pointed out the necessity; the two crowns being united in the same sovereign, pointed out the propriety. They laid down the plan of the treaty of union, that was carried into execution in the succeeding reign.

If ever there was an opening made, that was indisputably constitutional, to introduce any change of principle, mode, or number, in the election of the representatives of parliament, this period undoubtedly offered the fairest and most proper. The opportunity was not lost. The whole matter was considered and deliberated upon, by men of the first talents. The number of representatives of the two kingdoms was *proportioned* and settled. The treaty of union has ever since been held sacred. It has even been doubted, whether parliament (notwithstanding its omnipotence in many points) can authorise a breach of this treaty. To alter the representation in either, or both kingdoms, might be called *a breach of the union*. Since the conclusion of this treaty, the king cannot, as formally he could, order a writ to be issued to any borough, or town, which does not now send representatives to parliament, requiring such borough or town to send members to parliament. Such a measure would be a direct breach of the most sacred principle of the treaty—a treaty, which the late Lord Chatham said, “was the basis of the strength and happiness of the two nations—every article of it should be sacred, every article of it should be inviolable.” [See his *Speech*, Jan. 22, 1790.]

These observations have arisen spontaneously, from the perusal of certain insidious opinions, which

which have been industriously circulated, in favour of a proposition, or a design, of what is called, *A Reform of Parliament*. If these speculators had contented themselves with being candidates for a few places, their designs in that line might have excited no other attention, than a short enquiry into their individual merits, or qualifications, for the offices they sought after. But when they, by a series of conduct that is both regular and systematical, have endeavoured, and are still endeavouring, to change the constitution—to change one branch of the legislature almost entirely, which may, by the same principles, afterwards make a change in the powers of the other two; it becomes a contention that is not only important, but in the highest degree interesting. If some of the opinions concerning a reform in parliament, which have with so much criminal industry been propagated and circulated, are offered to be established, the contention will be of greater moment and magnitude than any thing that has happened in this country since the revolution.

It would not be time mispent, to reflect a little on the disasters of France, produced by the pursuit of chimeras not much dissimilar. The French king, through the easiness of his nature, by yielding to the first demand, made it necessary to acquiesce in the second; and so on, until he lost all power, and afterwards his life. Had he maintained his prerogative, he would have preserved the inheritance of his family, and the peace of his country; but, in the gentleness of his nature, he surrendered the first, and in that act of generosity, he sacrificed the two last.

If we place the picture of this example, not heightened

heightened by imagination, properly before our eyes, we shall see, in a moment, the probable consequences of listening to speculative opinions.

Suppose the delegates of our reforming societies to meet at some appointed place of rendezvous : London or Edinburgh, no matter which, or both. They demand *una voce* a reform of parliament—an alteration in the state of representation. The king, in the overflowing goodness of his heart, listens to the demand ; and supposing, very naturally, that the request ended there, might wish, for the good and harmony of his people, that the request was complied with. It might not occur to him, as it did not to the king of France, that by yielding his best prerogatives he thereby created another estate, that probably might be turned against the peerage and himself. When Charles the first parted with his prerogative to dissolve the parliament, he did not perceive that, by such surrender, he gave the instrument of his own death.

We all approve and admire a state of democracy in our government ; but it is constitutionally, and must be a democracy under certain limitations. If it were permitted to embrace all ranks of people, to put all persons upon an *equality*, it would here, as it has done in France, destroy every thing else. This is a danger we ought to reflect upon, and to guard against. The rapid progress of the French army during the last Autumn, and the early part of Winter, and the promulgation of the French principle of *equality*, which annihilated all distinctions of society, gave great spirits to the factions in England ; flattered their designs, and led them to form resolutions, and to make declarations ; which, though perhaps not particularly

punishable by law, were nevertheless menacing of subsequent projects and opinions, of the most dangerous tendency. And therefore it follows from this plain deduction, that no measures of government could be more wise and timely, than the sudden calling of parliament, and the exertions of the magistrates in extinguishing the effusions of inconfiderate and seditious meetings. These dangers were checked at the critical moment. These meetings were rapidly encreasing in every street of the metropolis, and in many parts of the country. A few weeks more of impunity, on the part of the government, might have given rise to dangers of the most alarming kind.

The capital, and many parts of the country, were crowded with foreigners of various descriptions. And not only members of the French National Convention, but persons very closely connected with the French Executive Power, corresponded with several of these foreigners; and likewise with several members of the British clubs. There need not be stronger proofs of a design to introduce French principles of *liberty* and *equality* than these facts, unless we add the introduction of French assignats, which were coming into circulation in different parts of the kingdom. Although the king might by his prerogative, as some of our former kings had done, have ordered these foreigners to leave his dominions; yet ministers did not chuse to advise the revival of an almost obsolete part of the prerogative, which might have caused some alarm in the people; but they *openly* and *instantly* brought bills into parliament, to stop the circulation of assignats, and to regulate the arrival, residence, and, if necessary, the departure

parture of these and all other *aliens* ; thereby enabling the magistrates to protect the country against the designs of *all* suspicious persons foreigners whatever. The wisdom of these laws is already apparent in the efficacy of their operation. We all remember the supineness of the magistrates at the time of the riots and conflagrations in the year 1780. The same scenes, or others more tremendous, might have been exhibited at the latter end of the year 1792, or beginning of 1793, had not the vigilance of ministers, armed with the authority of the laws, been ready to support, with energy and vigour, the duty and authority of the magistrates. The example of the activity of government spread through the kingdom ; the contagion was like electric fire. The friends of the constitution rallied every where ; the moment that they saw there was a spirit in the government to protect them, they declared their resolution to maintain the public peace, and the constitution. The seditious meetings instantly disappeared ; they vanished. The disaffected were not prepared for the measure. It was not expected by them ; and therefore they had not turned their thoughts to any ideas of counter-action. But had the measure been publicly known some weeks before it took place, as was often the case during Lord North's administration, or if the measure had been delayed some weeks, it is more than probable the consequences might have been dreadful.

The vigilance of government on this occasion appeared like a phænomenon to the people.

They had been so long accustomed to a government of indolence, that they beheld it with rapture and gratitude. And this should be an example to all ministers, that if they will do their duty with alacrity, the body of the people will always support them.

After giving our ministers all the just credit which is due to their vigilance, wisdom, and zeal (and this has been done by a prodigious majority of both houses of parliament, and the general voice of the great towns and counties) it must not from thence be concluded, that the danger is over. The danger is not over. Ministers have “*scotched* the snake, but not killed it.” *Milton* does not describe the devil more anxious to discover the new region, than the factious are to seize all opportunities and means to propagate their doctrines and opinions. But as the principles endeavoured to be inculcated by the jacobins are not so openly avowed as they were at first, a flimsy disguise is assumed for the present; and the clubs now affect to fix their desires upon *a reform in parliament* only. This request does not relinquish, it only suspends their *other* objects; which they think it not prudent openly to avow. Such an avowal, after the vigilance ministry have shewn, and the zeal which has been manifested by almost every description of men, would weaken their cause, and diminish their numbers. But the reform of parliament is not a new theme, and therefore they flatter themselves, that on this point they shall be supported and countenanced by many well-meaning persons, who have belonged to former associations,

tions, when this subject was agitated some years ago.

It is to these, and all other well-meaning persons, that this little tract is addressed; with the single view of laying some proper information before them, that will enable them to form a fair and decided judgment upon the arguments and pretended facts which have been urged in favour of what is called a *reform of parliament*.

The objections to the making an increase or diminution of the number of representatives, arising from the treaty of union between England and Scotland, having been already stated, need not be repeated.

The causes of complaint on this important subject of parliament, may be fairly reduced to two articles.

It is complained, that the right of election is too limited, and that it ought to be extended to several places, which at present do not send representatives to parliament, and to several persons who are not at present electors.

It is further complained, that the duration of parliament is too long; that it ought to be shortened to three years at least; some are for annual elections.

These opinions having been propagated with extraordinary assiduity; and some persons who are sincere in their attachment to our present happy constitution having been misled by the art and plausibility with which these opinions have been urged; it is presumed, that every candid person, even among those who have been misled, as well as among those who are not yet decided,

decided, will hear the argument, and observe the facts on the other side ; and that no man will make up his mind upon a subject so highly interesting to all, without deliberating maturely upon what may be offered in favor of a system, that has stood for ages, and has been the admiration of the greatest lawyers, politicians, and philosophers.

Upon extending the right of election. It has been advanced by those who demand a reform of parliament, that *every person* who pays taxes, ought to have a right to vote for representatives, who lay the taxes upon him.

In no nation, that we know of, has this theory ever yet been carried into practice. Even in France, every person who pays taxes does not vote for representatives ; but only those who pay to a certain amount ; and all those who do not pay to that amount, have no votes at all. It is the same in America. Before representation was known in England, the great charter established distinctions among men ; the words *nullus liber homo*, are clear in that sense. But when representation came, we shall see the laws that were made on this point : The first is the statute of the 8th of Henry VI. chap. 7, called—The Act for preventing *tumultuous* Elections. The words are, that “ Whereas knights of the “ shire have been chosen by *outrageous* and *ex-cessive* numbers of people, and of *small* sub-“ stance, for the future the said knights shall be “ elected in every county by the people dwell-“ ing and resident in the said counties, whereof “ every one shall have in lands or tenements to “ the value of 40s. by the year at least,” &c.

And

And in the 23d of the same king, upon the incorporation of Wales, the same principle of limitation is again enacted. And in the 35th of Henry VIII. upon allowing knights for the county of Chester, the same limitation is again enacted. And in the 25th of Charles II. upon allowing knights for the county of Durham, the same limitation is again enacted. Upon the Aylesbury case (1704) Lord Cowper said, "The 'right to elect a parliament man is a distinguishing character from the vulgar."

From the state of the fact, it therefore is clear, that there never was a *general* right of election, unless it was prior to the 8th of Henry VI. of which we have no account; but it is manifest, that whatever the right was, it was found improper, and to produce *tumults* and *outrages*; and that it was necessary to limit the exercise to a certain description of persons, who were supposed to be superior to the vulgar.

Every person must know, and every man of candour must confess, that if the right of election was *general*, our whole island would be a scene of anarchy and bloodshed, whenever a general election took place. Freedom never did, nor never could, consist in *equal* personal representation. The first writs for representation were issued in the reign of Henry III. and they summoned to parliament none but knights of the shires. At that time, this was supposed to be a complete representation of the people; and the equality or proportion of knights to each county was not fixed by any calculation of population; but the same number of knights was given

ven to each county.—Thus the county of Rutland had the same number of knights as the county of York. So that the idea of equalizing, or proportioning, the number of representatives to the numbers of the people, was never admitted as a principle from the very first moment of representation. In like manner, when, in subsequent reigns, several great towns, and even some villages, were directed to send members to parliament, it never was in contemplation to regulate the number of representatives by the numbers of persons who were to elect them. By what rule these places were adjudged proper to send representatives to parliament, is perhaps impossible to discover; but it is certain, that neither the rule of proportion, nor the rule of uniform importance in the places selected, made any part of the consideration. The king's prerogative alone was at that time sufficient to invest the places with this great privilege.

Having stated these facts, let it be asked, Is it justice? is it equity? to take away these chartered privileges upon the authority of a *new rule*, or a *new principle*, that never did apply to them?

The institution of corporations, and other immunities, are derived from the same source.

At the union of the two kingdoms of England and Scotland, that part of the prerogative which enabled the king to call for representatives from any place he thought proper, was taken away; and the representation of the two kingdoms was *fixed by treaty*, as it now stands.

The next point is the *duration of parliament*.

Upon

Upon this point the advocates for reform are divided; some are for *triennial* parliaments, and some for *annual* parliaments. It will be proper to consider the opinions distinctly; and first that of *triennial* parliaments.

Before the year 1641 there was no law for the duration of parliaments; it depended entirely upon the will of the sovereign; he called them, and dissolved them, as he pleased. But in 1641 an act was passed, which says, “ that there shall be a *session* “ held once in three years at least, though the king “ should neglect to call his parliament, in order “ to prevent the inconveniences from too long “ an intermission of parliaments.” The reader will observe that this statute does not *enact*, that there shall be a *new* parliament, annually or *triennially*, but only that there shall be a *session* to prevent inconveniences, &c.; so that the parliament last elected, no matter when, might be convened, and make a *session*; and this was often done in the reign of Elizabeth, and other princes. This statute was made in the reign of Charles the first, who had governed twelve years without a parliament, which made this statute necessary; and yet this is the first *hint* in the statute books upon the duration of parliaments.

In 1664 this act was repealed, because it seemed to trench upon the king’s prerogative—*id est*, That parliament had a right to meet every third year, although the king might neglect to call them. But at the same time a bill was brought in (which received the royal assent in the year 1664), enacting, “ That the sitting and holding of parliaments “ shall not be intermitted above three years at the

“ most.” This was making it obligatory on the king to call the parliament—not a *new* parliament, but a *meeting* of the parliament, every three years. From hence arose the first ideas of the triennial act, which passed in 1694; and this last act shews, that there was no *positive* law respecting the duration of parliaments until that time. All our former acts on this point are vague, uncertain, and indefinite. This act was repealed in the year 1715; when, as a great minister said, the pretender was returning-officer for all Scotland; and the septennial act was substituted.

However unpopular the septennial act might have been at the time it was passed, and there is no doubt that it was so, because the kingdom was then, as it is now, a good deal agitated by party and animosity; and all the discontented represented it as an invasion of the rights of the people, although, in truth, it was no such thing; for it was only the repeal of a recent act of parliament, and substituting another in the place of it—a circumstance that is very common. If it trenched upon any of the three estates, it may be said, that it was upon the prerogative; which upon this subject had been exercised according to pleasure, from the first time of calling of parliaments.

A few words, and a few only will be necessary, on the question of *expediency*, Whether triennial or septennial parliaments are most expedient in the present situation of Great Britain? We are at present in a state of war with an active and potent enemy; and before peace can be accomplished, this war may be extended. We have fought France as a monarchy; we are now to fight her as

a re-

a republic, putting forth all her strength, and urged by desperation; because those who have obtained the government are sensible, that if they cannot prevent the restoration of monarchy, they shall end their lives on a scaffold—they will be therefore ardent and vigorous in their measures. In their politics it is a favourite principle, to propagate their doctrines of government, of liberty and equality. We have seen these levelling doctrines attempted to be introduced into our own country. The good sense and activity of ministers have hitherto prevented and defeated such schemes. But very little advantage to the tranquillity of the present moment will have been derived from such prevention, if a speculative matter of our own is at this critical time permitted to be brought under general discussion. Such permission will be giving currency to speculations and opinions, the extent and termination of which no man can foresee. A circumstance similar to this happened in 1745. Some gentlemen wished to distress government; and therefore they moved an amendment to the Commons' address (October 1745), "That for the better security of his majesty and his faithful subjects, they would frame bills that parliaments should be *frequently chosen, &c.*" But the late Earl of Chatham (then Mr. Pitt), although holding no place under government, reprobated this attempt with the most marked indignation. He did not enter into the merits of the proposed reform; but took his objections from the critical and dangerous period of bringing it forward. The amendment, he said, was offered with a view to divide

the people, and lessen their confidence in government. We were engaged in a foreign war, and threatened with an invasion. Was that a time to amuse ourselves with plans to guard us against corruption, when our all was in danger from the force of arms? It was like a gentleman making arrangements in his household, to prevent his being cheated by his servants, at the very time that thieves were breaking into his house. The people are at present engaged, he said, in subscriptions and associations, to defend their king and country against those who have conspired to rob them of their liberties and properties. Do gentlemen wish to give a turn to the spirit of the people, and urge them to a contest with their representatives, that the country may more easily become a prey to open force? The amendment was rejected.

There are some other points on this subject which are not unworthy attention.

It is not an ill-founded opinion, that if our parliaments were only triennial, the confidence of foreign powers in our government would be considerably weakened. The more than probable fluctuating state of ministers, arising from a versatility in parliament, might render the issue of negotiations with foreign states frequently doubtful, and sometimes insecure.

It is also a matter of consideration, whether the manners of the people are, in this our day, so regular, so properly influenced by an attention to virtue and sobriety, as to hazard no internal disorders from frequent elections? In that great body of the public, who are friends to good order and internal tranquillity, there are strong suspic-

cions

cions of a very different kind : They fear, that by the constant treating, eating, drinking, bribing, &c. the bulk of those who attend elections, would become so idle and dissolute, that the maintainance of their families would fall upon their respective parishes. They fear that such frequent contentions would create perpetual animosities in almost every neighbourhood.

There is one more observation, with which this article shall be closed. The first session of a new parliament has, of late years, been so much engaged with the contested elections, as not to be able to get through them all. And during the last session, the attention of members is principally occupied in canvassing, and in taking measures for their re-elections ; so that in a triennial parliament there would be but *one* session, that could be said to be properly devoted to the public business.

The last point is that relative to *annual* parliaments ; which, as it has been brought forward under some strong assertions, that they are the people's right, and that formerly parliaments were elected annually, it may be proper to take notice of it ; otherwise it would not be worth refuting.

The first summons for representatives was in the reign of Henry III. in the year 1264 ; from that time until the fourth of Edward III. the summons, or writs, were irregularly issued ;—sometimes they were twice in a year, and sometimes there were none for several years. But in the fourth of Edward III. it was enacted, that a parliament should be held *once* in every year. This statute does not say, nor even hint, that a parliament shall be *chosen* every year, but that it shall

*meet*

*meet* every year ; and yet upon this statute it is, that the most confident assertions have been raised, that annual parliaments were formerly the practice, and are still the people's right.

The two next statutes are the thirty-sixth of Edward III. and the second of Richard II. No. 28, which are to the same purpose.

Judge Blackstone says, in his Commentaries, " That by the ancient statutes, the king is bound to convoke a parliament every year, or oftener, if need be. Not that he is, or *ever was*, obliged by these statutes, to call a *new* parliament every year ; but only to permit *a parliament to sit annually* for the redress of grievances, and dispatch of business, if need be. These last words are so loose and vague, that such of our monarchs as were inclined to govern without parliament, neglected the convoking them for a very considerable period, under pretence that there was no need of them. But to remedy this, by the statute 16th Car. II. Ch. 1. it is enacted, that the sitting and holding of parliaments shall not be intermitted above three years at the most. And by the statute of the 1st W. and M. statute 2d, Ch. 2. it is declared to be one of the rights of the people, that for the redress of all grievances, and for the amending, strengthening, and preserving the laws, parliaments ought to be held frequently."

This word *frequently* having no precise meaning in respect to time, was the occasion of bringing in the triennial bill ; which passed into a law in 1694, enacting, " that a *new* parliament shall be called

“ called every third year.” This act is the first law that limited the king’s prerogative to any precise period for the *duration* of parliament; and in twenty years afterwards the inconveniences of it were so severely felt, it was found necessary to be repealed.

From a perusal of the foregoing pages, the following deductions are most clearly apparent.

That parties formed for the acquisition of places only, excite no cause of alarm in the nation. But that parties and societies, formed for the purpose of effecting alterations in the constitution, are not only alarming, but dangerous.

That such parties and societies have been formed, both in the metropolis, and in the country, under the auspices, as well as in imitation, of similar institutions in France.

That the designs of the enemies of our present constitution, and internal tranquillity, have been defeated, by the wisdom and activity of the ministry, and the zeal and vigilance of the magistracy.

That the introduction of French principles of equality, pregnant with anarchy and horror, have been opportunely and fortunately prevented.

That the introduction of foreigners has been regulated, without infringing the duties of hospitality; protecting, at the same time, our government and our country, from the wicked schemes of artful persons, who, under the general description of foreigners, many of whom being connected with British malcontents, might have formed the most dangerous conspiracies.

That

That the circulation of the new French money, (*Assignats*) in this country, which would have raised its value throughout France, and have given further strength to that power, has been very properly and very judiciously prevented.

That the popular complaint of a reform of parliament, is not well understood ; and that the argument in favour of the present system demands, as well from justice as candour, a fair hearing and a patient attention.

That the representation of England, was never supposed to consist of an actual representation of the whole people. The principle of the present representation was fixed by the treaty of union between England and Scotland ; founded upon the basis and practice of all former representation, as laid down and regulated throughout different periods, from the earliest authentic accounts.

That annual parliaments never existed. And, That triennial parliaments having been found inconvenient and injurious, lasted only a few years.

It is not necessary to say more ; and to have said less, would have been injustice to the subject.

### F I N I S.

